



General Assembly

January Session, 2011

Raised Bill No. 6374

LCO No. 3452

03452_____PH_

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT CONCERNING THE CONNECTICUT MEDICAL EXAMINING BOARD.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-8a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2011*):

3 (a) There shall be within the Department of Public Health a
4 Connecticut Medical Examining Board. [Said] Prior to January 1, 2012,
5 the board shall consist of fifteen members appointed by the Governor,
6 subject to the provisions of section 4-9a, in the manner prescribed for
7 department heads in section 4-7, as follows: Five physicians practicing
8 in the state; one physician who shall be a full-time member of the
9 faculty of The University of Connecticut School of Medicine; one
10 physician who shall be a full-time chief of staff in a general-care
11 hospital in the state; one physician who shall be a supervising
12 physician for one or more physician assistants; one physician who
13 shall be a graduate of a medical education program accredited by the
14 American Osteopathic Association; one physician assistant licensed
15 pursuant to section 20-12b and practicing in this state; and five public
16 members. No professional member of said board shall be an elected or

17 appointed officer of a professional society or association relating to
18 such member's profession at the time of appointment to the board or
19 have been such an officer during the year immediately preceding
20 appointment or serve for more than two consecutive terms.
21 Professional members shall be practitioners in good professional
22 standing and residents of this state.

23 (b) [All] Prior to January 1, 2012, all vacancies shall be filled by the
24 Governor in the manner prescribed for department heads in section
25 4-7. Successors and appointments to fill a vacancy shall fulfill the same
26 qualifications as the member succeeded or replaced. In addition to the
27 requirements in sections 4-9a and 19a-8, no person whose spouse,
28 parent, brother, sister, child or spouse of a child is a physician, as
29 defined in section 20-13a, or a physician assistant, as defined in section
30 20-12a, shall be appointed as a public member.

31 (c) On and after January 1, 2012, the Connecticut Medical Examining
32 Board shall consist of fifteen members appointed as follows: Seven
33 appointed by the Governor, subject to the provisions of section 4-9a, in
34 the manner prescribed for department heads in section 4-7; two
35 appointed by the president pro tempore of the Senate, each of whom
36 shall be a representative of a patient advocacy group; two appointed
37 by the speaker of the House of Representatives, one of whom shall be a
38 representative of a patient advocacy group and one of whom shall be
39 an attorney with expertise in the practice of criminal law; one
40 appointed by the majority leader of the Senate; one appointed by the
41 majority leader of the House of Representatives; one appointed by the
42 minority leader of the Senate and one appointed by the minority leader
43 of the House of Representatives. No professional member of said
44 board shall be an elected or appointed officer of a professional society
45 or association relating to such member's profession at the time of
46 appointment to the board or have been such an officer during the year
47 immediately preceding appointment. Professional members shall be
48 practitioners in good professional standing and residents of this state.
49 In addition to the requirements in sections 4-9a and 19a-8, no person

50 whose spouse, parent, brother, sister, child or spouse of a child is a
 51 physician, as defined in section 20-13a, or a physician assistant, as
 52 defined in section 20-12a, shall be appointed to the board as a public
 53 member.

54 (d) Members initially appointed to the board pursuant to subsection
 55 (c) of this section shall serve terms as follows: Five of the members
 56 appointed by the Governor shall serve three-year terms; the two
 57 members appointed by the president pro tempore of the Senate, the
 58 two members appointed by the speaker of the House of
 59 Representatives and the one member appointed by the minority leader
 60 of the Senate shall serve four-year terms; and two of the members
 61 appointed by the Governor, the one member appointed by the majority
 62 leader of the Senate, the one member appointed by the majority leader
 63 of the House of Representatives and the one member appointed by the
 64 minority leader of the House of Representatives shall serve two-year
 65 terms. Thereafter, all members shall be appointed to a term of four
 66 years commencing on January first of the year of appointment.
 67 Members appointed to the board by the Governor pursuant to
 68 subsection (a) of this section may be reappointed to the board pursuant
 69 to subsection (c) of this section. No board member appointed to serve
 70 for a term commencing on or after January 1, 2012, may serve for more
 71 than two terms. Any vacancy shall be filled for the unexpired term by
 72 the appointing authority.

73 [(c)] (e) The Commissioner of Public Health shall establish a list of
 74 twenty-four persons who may serve as members of medical hearing
 75 panels established pursuant to subsection [(g)] (i) of this section.
 76 Persons appointed to the list shall serve as members of the medical
 77 hearing panels and provide the same services as members of the
 78 Connecticut Medical Examining Board. Members from the list serving
 79 on such panels shall not be voting members of the Connecticut
 80 Medical Examining Board. The list shall consist of twenty-four
 81 members appointed by the commissioner, at least eight of whom shall
 82 be physicians, as defined in section 20-13a, with at least one of such

83 physicians being a graduate of a medical education program
84 accredited by the American Osteopathic Association, at least one of
85 whom shall be a physician assistant licensed pursuant to section 20-
86 12b, and nine of whom shall be members of the public. No professional
87 member of the list shall be an elected or appointed officer of a
88 professional society or association relating to such member's
89 profession at the time of appointment to the list or have been such an
90 officer during the year immediately preceding such appointment to the
91 list. A licensed professional appointed to the list shall be a practitioner
92 in good professional standing and a resident of this state. All vacancies
93 shall be filled by the commissioner. Successors and members
94 appointed to fill a vacancy on the list shall possess the same
95 qualifications as those required of the member succeeded or replaced.
96 No person whose spouse, parent, brother, sister, child or spouse of a
97 child is a physician, as defined in section 20-13a, or a physician
98 assistant, as defined in section 20-12a, shall be appointed to the list as a
99 member of the public. Each person appointed to the list shall serve
100 without compensation at the pleasure of the commissioner. Each
101 medical hearing panel shall consist of three members, one of whom
102 shall be a member of the Connecticut Medical Examining Board, one of
103 whom shall be a physician or physician assistant, as appropriate, and
104 one of whom shall be a public member. The physician and public
105 member may be a member of the board or a member from the list
106 established pursuant to this subsection.

107 ~~[(d)]~~ (f) The office of the board shall be in Hartford, in facilities to be
108 provided by the department.

109 ~~[(e)]~~ (g) The board shall adopt and may amend a seal.

110 ~~[(f)]~~ (h) The Governor shall appoint a chairperson from among the
111 board members. Said board shall meet at least once during each
112 calendar quarter and at such other times as the chairperson deems
113 necessary. Special meetings shall be held on the request of a majority
114 of the board after notice in accordance with the provisions of section

115 1-225. A majority of the members of the board shall constitute a
116 quorum. Members shall not be compensated for their services. Any
117 member who fails to attend three consecutive meetings or who fails to
118 attend fifty per cent of all meetings held during any calendar year shall
119 be deemed to have resigned from office. Minutes of all meetings shall
120 be recorded by the board. No member shall participate in the affairs of
121 the board during the pendency of any disciplinary proceedings by the
122 board against such member. Said board shall (1) hear and decide
123 matters concerning suspension or revocation of licensure, (2)
124 adjudicate complaints against practitioners, and (3) impose sanctions
125 where appropriate.

126 [(g)] (i) The board shall refer all statements of charges filed with the
127 board by the department pursuant to section 20-13e to a medical
128 hearing panel [within sixty] not later than thirty days after the date of
129 the receipt of charges. The board may refer statements of charges to the
130 office of the Chief State's Attorney, if the board reasonably believes
131 that the individual who is the subject of such charges has violated
132 criminal statutes. The time period for referring statements of charges to
133 a medical hearing panel may be extended for good cause by the board
134 in a duly recorded vote. The panel shall conduct a hearing in
135 accordance with the provisions of chapter 54 and the regulations
136 adopted by the Commissioner of Public Health concerning contested
137 cases, except that the panel shall file a proposed final decision with the
138 board not later than [one hundred twenty] ninety days after the date of
139 receipt of the issuance of the notice of hearing by the board. The time
140 period for filing such proposed final decision with the board may be
141 extended for good cause by the board in a duly recorded vote.

142 [(h)] (j) The board shall review the panel's proposed final decision in
143 accordance with the provisions of section 4-179, and adopt, modify or
144 remand said decision for further review or for the taking of additional
145 evidence. The board shall act on the proposed final decision [within
146 ninety] not later than sixty days after the date of the filing of said
147 decision by the panel. This time period may be extended by the board

148 for good cause in a duly recorded vote.

149 [(i)] (k) Except in a case in which a license has been summarily
 150 suspended, pursuant to subsection (c) of section 19a-17 or subsection
 151 (c) of section 4-182, all three panel members shall be present to hear
 152 any evidence and vote on a proposed final decision. The chairperson of
 153 the Medical Examining Board may exempt a member from a meeting
 154 of the panel if the chairperson finds that good cause exists for such an
 155 exemption. Such an exemption may be granted orally but shall be
 156 reduced to writing and included as part of the record of the panel
 157 within two business days of the granting of the exemption or the
 158 opening of the record and shall state the reason for the exemption.
 159 Such exemption shall be granted to a member no more than once
 160 during any contested case and shall not be granted for a meeting at
 161 which the panel is acting on a proposed final decision on a statement
 162 of charges. The board may appoint a member to the panel to replace
 163 any member who resigns or otherwise fails to continue to serve on the
 164 panel. Such replacement member shall review the record prior to the
 165 next hearing.

166 [(j)] (l) A determination of good cause shall not be reviewable and
 167 shall not constitute a basis for appeal of the decision of the board
 168 pursuant to section 4-183.

169 Sec. 2. Section 19a-20 of the general statutes is repealed and the
 170 following is substituted in lieu thereof (*Effective July 1, 2011*):

171 No member of any board or commission subject to the provisions of
 172 chapter 368v, chapters 369 to 375, inclusive, 378 to 381, inclusive, 383 to
 173 388, inclusive, 398 and 399, including a member of a medical hearing
 174 panel established pursuant to subsection [(g)] (i) of section 20-8a, as
 175 amended by this act, and no person making a complaint or providing
 176 information to any of such boards or commissions or the Department
 177 of Public Health as part of an investigation pursuant to section 19a-14,
 178 or a disciplinary action pursuant to section 19a-17, shall, without a
 179 showing of malice, be personally liable for damage or injury to a

180 practitioner arising out of any proceeding of such boards and
181 commissions or department. A person making a complaint or
182 providing information to any of such boards or commissions or to the
183 Department of Public Health as part of an investigation pursuant to
184 section 19a-14 or a disciplinary action pursuant to section 19a-17 shall
185 be entitled to indemnification and defense in the manner set forth in
186 section 5-141d with respect to a state officer or employee.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	20-8a
Sec. 2	<i>July 1, 2011</i>	19a-20

Statement of Purpose:

To improve the effectiveness of the Connecticut Medical Examining Board and strengthen patient protection in the state.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]